

FILE COPY

STATE OF WISCONSIN
BEFORE THE REAL ESTATE BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

MARY L. TRUAX,
RESPONDENT.

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FINAL DECISION AND ORDER
88 REB 494

The parties to this action for the purposes of Wis. Stats. sec. 227.53 are:

Mary Lou Truax
1907 Russett Court, Apt. # 5
Appleton, WI 54914

Real Estate Board
P.O. Box 8935
Madison, WI 53708-8935

Department of Regulation and Licensing
Division of Enforcement
P.O. Box 8935
Madison, WI 53708-8935

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final decision of this matter, subject to the approval of the Board. The Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Respondent Mary L. Truax ("Truax") is and was at all times relevant to facts set forth herein licensed as a real estate salesperson, pursuant to license # 23677, said license having been granted on January 19, 1984.
2. Truax's latest address on file with the Department of Regulation and Licensing is 1907 Russett Court, Apt. # 5, Appleton, WI 54914.
3. Truax misused Methylphenidate (Schedule II Controlled Substance) on diverse occasions between 1986 and 1988.
4. During the period between 1986 and 1989, Truax was practicing as real estate salesperson with various firms including Bytof Inc. Realtors and Realty World Altenhofen.
5. Upon her plea of no contest to criminal charges for illegal possession of Methylphenidate, Truax was placed under supervision for one year, assessed costs, required to perform 50 hours of community service, required to continue counseling with Stu Driessen, required to continue

1. The usual duration for monitoring impaired professionals;
2. Participation in a program acceptable to the Board for the treatment of alcohol and chemical dependency with the following components: therapy on a schedule as recommended by therapist and attendance at Alcoholics or Narcotics Anonymous;
3. Provision of current releases complying with state and federal laws, authorizing release of counseling, treatment and monitoring records, and employment records;
4. Freedom from alcohol, prescription drugs and controlled substances not prescribed for valid medical purposes during the period of limitation;
5. Participation in a program of random witnessed monitoring for controlled substances and alcohol in blood and/or urine on a frequency determined by the Board to be appropriate; and
6. Provision of reports and evaluations from treatment professionals and/or employers.

The Board may credit or otherwise consider past therapy and treatment received by Respondent Mary Lou Truax in deciding whether to impose conditions and limitations on her ability to practice.

IT IS FURTHER ORDERED, that the Real Estate Board shall close # 88 REB 494 and the pending proceeding related thereto.

Dated this 28th day of June, 1990.

WISCONSIN REAL ESTATE BOARD

by. John J. Dackman

STATE OF WISCONSIN
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STIPULATION
88 REB 494

It is hereby stipulated between Mary Lou Truax, personally on her own behalf and the Department of Regulation and Licensing, Division of Enforcement by its Attorney Richard Castelnuevo, as follows:

1. This Stipulation is entered into as a result of a pending disciplinary action against Mary Lou Truax ("Respondent") by the Division of Enforcement (88 REB 494). Respondent consents to the resolution of this disciplinary action by Stipulation and without further proceedings.

2. Respondent is aware and understands her rights with respect to disciplinary proceedings, including the right to a statement of the allegations against her; the right to a hearing at which time the State has the burden of proving those allegations; the right to confront and cross-examine the witnesses against her; the right to call witnesses on her behalf and to compel attendance of witnesses by subpoena; the right to testify herself; the right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision; the right to petition for rehearing; and all other applicable rights afforded to her under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, and the Wisconsin Administrative Code.

3. Respondent voluntarily and knowingly waives the rights set forth in paragraph 2 above, on the condition that all of the provisions of this Stipulation are approved by the Board.

4. Respondent is aware of her right to seek legal representation and has been provided the opportunity to seek legal advice prior to execution of this Stipulation.

5. Though she is currently not practicing as a real estate salesperson, Respondent would like to retain her right to practice under her license. In order to retain her license, she understands that she must satisfy the Board that she can safely and responsibly practice by meeting the requirements set forth in paragraph 6 below. At this time she does not wish to pursue requirements relating to her continued practice and agrees to a suspension of her real estate salesperson's license (# 23677) until such time as she is willing and able to proceed, at which time she may seek to have the suspension lifted.

6. In connection with any request to lift the suspension, Respondent agrees that she may seek to lift the suspension no sooner than three (3) months from the date of the Final Decision and Order, and then only upon satisfying such requirements as the Board may impose, including but not limited to a demonstration that she is rehabilitated and free from any chemical dependency, and if warranted her acceptance in writing of conditions and limitations on her ability to practice. With respect to any requirement which may be imposed, Respondent is aware that the Board may credit or otherwise consider therapy and other treatment received prior to date she seeks to lift the suspension.



NOTICE OF APPEAL INFORMATION

(Notice of Rights for Rehearing or Judicial Review,
the times allowed for each and the identification
of the party to be named as respondent)

The following notice is served on you as part of the final decision:

1. Rehearing.

Any person aggrieved by this order may petition for a rehearing within 20 days of the service of this decision, as provided in section 227.49 of the Wisconsin Statutes, a copy of which is attached. The 20 day period commences the day after personal service or mailing of this decision. (The date of mailing of this decision is shown below.) The petition for rehearing should be filed with the State of Wisconsin Real Estate Board.

A petition for rehearing is not a prerequisite for appeal directly to circuit court through a petition for judicial review.

2. Judicial Review.

Any person aggrieved by this decision has a right to petition for judicial review of this decision as provided in section 227.53 of the Wisconsin Statutes, a copy of which is attached. The petition should be filed in circuit court and served upon the State of Wisconsin Real Estate Board.

within 30 days of service of this decision if there has been no petition for rehearing, or within 30 days of service of the order finally disposing of the petition for rehearing, or within 30 days after the final disposition by operation of law of any petition for rehearing.

The 30 day period commences the day after personal service or mailing of the decision or order, or the day after the final disposition by operation of the law of any petition for rehearing. (The date of mailing of this decision is shown below.) A petition for judicial review should be served upon, and name as the respondent, the following: the State of Wisconsin Real Estate Board.

The date of mailing of this decision is June 29, 1990.

WLD:dms
886-490